

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 8 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CARA JONES, as parent and guardian of E.J., N.J., A.J., and L.J., minors; JUSTIN EFROS, as parent and guardian of J.A.E. and J.R.E., minors; NICHOLE HUBBARD, parent and guardian of C.H., a minor; individually and on behalf of all others similarly situated; RENEE GILMORE, as parent and guardian of M.W., a minor; JAY GOODWIN, as parent and guardian of A.G., a minor; BOBBI DISHMAN, as parent and guardian of C.D., a minor; PAULA RIDENTI, as parent and guardian of R.A. and R.M.A., minors; C.H.; E.J.; N.J.; A.J.; L.J.; J.A.E.; J.R.E.; M.W.; A.G.; C.D.,

Plaintiffs-Appellants,

v.

GOOGLE LLC; YOUTUBE, LLC; MATTEL, INC.; DREAMWORKS ANIMATION LLC; HASBRO, INC.; HASBRO STUDIOS, LLC; THE CARTOON NETWORK, INC.; CARTOON NETWORK STUDIOS, INC.; POCKETWATCH, INC.; REMKA, INC.; RTR PRODUCTION, LLC; RFR ENTERTAINMENT, INC.,

Defendants-Appellees.

No. 21-16281

D.C. No. 5:19-cv-07016-BLF
Northern District of California,
San Jose

ORDER

Before: HAWKINS, McKEOWN, and SANCHEZ, Circuit Judges.

The Federal Trade Commission is invited to submit an amicus brief setting

forth its views on whether the preemption clause in the Children’s Online Privacy Protection Act (“COPPA”), 15 U.S.C. § 6502(d), preempts fully stand-alone state-law causes of action by private citizens that concern data-collection activities that also violate COPPA but are not predicated on a claim under COPPA. The Clerk of Court shall forward a copy of this order to the Commission. Within 30 days, the Commission shall advise us if it wishes to submit a brief in response to this order and, if so, its brief will be due May 20, 2023. Any brief filed by the Commission shall comply with the requirements set forth in Ninth Circuit Rule 29-2(c). If the Commission files a brief, we will, by separate order, give the parties an opportunity to respond.